

**PROPOSED SETTLEMENT OF CLASS ACTION REGARDING CONDITIONS
IN WEST VIRGINIA JAILS**
Baxley v. Jividen, 3:18-cv-01526

A proposed settlement has been reached in a federal civil rights class action lawsuit, brought on behalf of all people who are, or who will be, admitted to a jail in West Virginia. This lawsuit claims that people incarcerated in West Virginia jails are subject to conditions that violate the Eighth and Fourteenth Amendments to the United States Constitution because the medical care and mental health care provided in the West Virginia jails is unconstitutional. The lawsuit requests declaratory and injunctive relief to remedy the alleged constitutional violations. The lawsuit does not seek money damages.

You can read the proposed settlement agreement, the motion to the Court to approve the settlement agreement, and/or the motion for attorney fees by completing an Inmate Request Form and requesting the documents. Key terms of the settlement include the following:

1. The Department of Corrections and Rehabilitation (DCR) has entered a new medical services contract with one company, Wexford, which will provide medical and mental health services in all West Virginia jails and prisons. This new contract, which is hundreds of pages long, requires substantially improved medical and mental health care, as well as treatment for substance use disorder in the jails. A summary of the terms of the contract is included in the motion to the Court, which you can obtain through requesting the documents through an Inmate Request Form.
2. DCR will hire two nurse surveyors and one fulltime physician to conduct internal reviews of its medical services. These reviews will include both chart reviews as well as interviews of class members to determine whether their care is being accurately captured by the chart reviews. DCR and Plaintiffs will agree on the topics and information considered for these regular, monthly reviews, and will further collaborate about the review processes and procedures. In addition, DCR will be conducting a medical review as part of all DCR investigations of class members who die while in custody.

3. The lawyers for people incarcerated in the jails will be able to review information and speak with people who are incarcerated in the jails to ensure that the settlement and contract are being complied with.
4. The Court will be able to resolve any disputes about whether DCR is complying with the settlement.
5. DCR has agreed to pay Plaintiffs' counsel \$588,000.00 for their work on this case, and \$2,000.00 to class representatives who were named in the lawsuit for their work on the case. You may review the motion for attorney fees by filling out an Inmate Request Form.

If you have any questions about the settlement, you can contact the lawyers for the Plaintiff class: Lesley Nash & Lydia Milnes, Mountain State Justice, 1029 University Ave., Suite 101, Morgantown, WV 26505.

The Court will hold a hearing on the fairness of the settlement on **September 27, 2022**, at the United States Courthouse in Huntington, West Virginia.

Class members (people admitted to West Virginia jails) can write to the federal court about whether any part of the settlement is fair. The federal court will consider written comments when deciding whether to approve the settlement. Comments regarding the fairness of the settlement must include at the top of the first page the case name (Baxley v. Jividen) and the case number (Case No. 3:18-cv-01526). Comments must be received by **August 15, 2022**, and must be sent to the following address:

Clerk of Court
Southern District of West Virginia
Sidney L. Christie Federal Building
845 Fifth Ave., Room 101
Huntington, WV 25701